

**HEARING AND SPEECH EXAMINING BOARD
MINUTES
JULY 11, 2011**

PRESENT: Okie Allen, Laura Feldhake, Samuel Gubbels, Steven Klapperich, Edward Korabic, Alma Peters, Marilyn Workinger (via phone), Peter Zellmer

STAFF: Dan Williams, Bureau Director; Colleen Baird, Legal Counsel; Kimberly Wood, Bureau Assistant; and other DRL Staff

GUESTS: Doug Johnson, Wisconsin Alliance of Hearing Professionals; Todd Beyer, International Hearing Society (IHS)

CALL TO ORDER

Edward Korabic, Chair, called the meeting to order at 1:22 p.m. A quorum of eight (8) was confirmed.

APPROVAL OF AGENDA

Amendments to the Agenda:

- Before Item “C” (open session) **ADD:** “Board Adoption of Clearinghouse Rule 11-017 Amending HAS 8, Relating to Continuing Education”
- Item “H” (open session) Amend this agenda topic to eliminate the appearance: “~~2:00 P.M. APPEARANCE:~~ Deliberation of Proposed Decision and Order in the Matter of Disciplinary Proceedings Against Karen R. Fennema, Respondent, Division of Hearing and Appeals (DHA) Case # DRL-09-0110, DRL Case #'s 05 HAD 015 & 05 HAD 017”

MOTION: Okie Allen moved, seconded by Peter Zellmer, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF APRIL 25, 2011

Amendments to the Minutes:

- Page 2 of the Minutes: In the motion under the agenda item titled “Review for Adoption: Scope Statement Relating to Deceptive Advertising and the Grounds for Discipline” make the following changes:
 - **MOTION:** Peter Zellmer moved, seconded by Okie Allen, to adopt the scope statement to promulgate administrative rules to expand and clarify the definition

of false, misleading and deceptive advertising as a grounds for discipline pursuant to 2009 Wisconsin Act 356. Motion carried unanimously.

MOTION: Alma Peters moved, seconded by Steven Klapperich, to approve the Minutes of April 25, 2011 as amended. Motion carried unanimously.

ADMINISTRATIVE REPORT

Dan Williams reported to the Board regarding the following issues:

- The Department has revised its travel policy as follows:
 - Out-of-state travel will be allowed in instances where the travel is being paid for by a third party.
 - Receipts are no longer required for meal reimbursements.
- Status of Gubernatorial appointments of Board Members.
- Jeanette Lytle has been hired to fill the Attorney Supervisor position in the Division of Enforcement.
- The Department of Regulation and Licensing's name has changed to the Department of Safety and Professional Services.

MOTION: Peter Zellmer moved, seconded by Okie Allen, to authorize Peter Zellmer to draft a letter recognizing to Gail Pizarro on behalf of the Board. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS OR ANY RECEIVED AFTER MAILING OF THE AGENDA

Samantha E. Sikorski, DOE Case # 09 HAD 011

Attorney Jim Polewski, Division of Enforcement Attorney, presented the Stipulation, Final Decision and Order in the matter of disciplinary proceedings against Samantha E. Sikorski, DOE Case # 09 HAD 011, on behalf of Aaron Konkol, DOE Attorney. This matter will be deliberated during closed session.

BOARD ADOPTION OF CLEARINGHOUSE RULE 11-017 AMENDING HAS 8, RELATING TO CONTINUING EDUCATION

Sharon Henes, Paralegal, joined the meeting, distributed a copy of CR 11-017, and indicated that the publication of the rule will be August 1, 2011 with an effective date of September 1, 2011.

The Board discussed communication of this new requirement and asked that an item be placed on its next agenda that will allow continuation of this topic.

MOTION: Okie Allen moved, seconded by Laura Feldhake, to adopt Clearinghouse Rule 11-017 amending HAS 8, relating to continuing education. Motion carried. Opposed – one (1)

REVIEW OF PROPOSED RULE REVISIONS TO HAS 6.175 AND HAS 6.18, WIS. ADMIN. CODE, RELATING TO DECEPTIVE ADVERTISING AND THE GROUNDS FOR DISCIPLINE

Sharon Henes remained with the Board to discuss the progress of the rule revisions relating to deceptive advertising. She distributed the draft rule language to the Board for review and discussion.

MOTION: Okie Allen moved, seconded by Peter Zellmer, to approve the Clearinghouse Rule draft to amend HAS 6.18 (1)(d) and to create HAS 6.175 (6) relating to deceptive advertising. Motion carried unanimously.

CONSIDER DESIGNATION OF A BOARD MEMBER TO REPORT DISCIPLINARY ACTION TO APPLICABLE PROFESSIONAL ORGANIZATIONS

Marilyn Workinger asked the Board to consider the possibility of designating a member of the Board to report to the appropriate organization upon disciplines a credential holder. The Board indicated that more information is needed prior to making such a decision regarding this request. The Board explored the mechanisms available for professional organizations to obtain disciplinary data.

DELIBERATION AS TO WHETHER A FAQ SHOULD BE CREATED RELATING TO THE USE OF UNLICENSED PERSONNEL AS ASSISTANTS

The Board discussed this topic and determined that an FAQ should be drafted.

MOTION: Steven Klapperich moved, seconded by Samuel Gubbels, to direct Colleen Baird to draft a question and answer, regarding the use of unlicensed personnel as assistants. The Board authorized Edward Korabic and Alma Peters to review and approve the FAQ, once drafted, for posting to the Department website. Motion carried unanimously.

RULE WRITING COMMITTEE REPORT

Colleen Baird provided the Board with a report of the activity from the April Rule-Writing Committee meeting.

CONSIDERATION OF CHANGES TO THE PRACTICAL AND WRITTEN EXAMINATIONS

The Board contemplated changes to its practical and written examinations and explored how it would like to proceed. Aaron Knautz, Examination Specialist, joined the Board for this discussion and was asked to research the approach of other jurisdictions in terms of practical and/or written examinations and report his findings to Edward Korabic. Todd Beyer, IHS, provided comments to the Board during the course of its discussion.

CORRESPONDENCE OR INQUIRIES RECEIVED BY LEGAL COUNSEL

The Board continued review of a question reviewed at its last meeting. Colleen Baird should respond to this question using the feedback provided by the Board.

CLOSED SESSION

MOTION: Peter Zellmer moved, seconded by Laura Feldhake, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); to consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b) and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)) and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Motion carried unanimously in a roll call vote. Okie Allen-yes; Laura Feldhake-yes; Samuel Gubbels-yes; Steven Klapperich-yes; Edward Korabic-yes; Alma Peters-yes; Marilyn Worker-yes; and Peter Zellmer-yes.

Open session recessed at 3:12 p.m.

RECONVENE INTO OPEN SESSION

MOTION: Marilyn Worker moved, seconded by Laura Feldhake, to reconvene into open session. Motion carried unanimously.

Open session reconvened at 4:17 p.m.

VOTING ON ITEMS DELIBERATED IN CLOSED SESSION

**DELIBERATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDERS
OR ANY RECEIVED AFTER MAILING OF THE AGENDA**

**SAMANTHA E. SIKORSKI
09 HAD 011**

MOTION: Samuel Gubbels moved, seconded by Peter Zellmer, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Samantha E. Sikorski (DOE Case # 09 HAD 011). Motion carried. Abstained: Okie Allen

(Okie Allen left the room for deliberation and voting in the matter of disciplinary proceedings against Samantha E. Sikorski – DOE Case # 09 HAD 011.)

**DELIBERATION OF PROPOSED DECISION AND ORDER IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST
KAREN R. FENNEMA, RESPONDENT, DIVISION OF HEARING AND APPEALS
(DHA) CASE # DRL-09-0110, DRL CASE #'S 05 HAD 015 & 05 HAD 017**

MOTION: Alma Peters moved, seconded by Laura Feldhake, to adopt the Findings of Fact, Conclusions of Law, and Proposed Decision and Order, with explanation of variance, in the matter of disciplinary proceedings against Karen R. Fennema, Respondent, Division of Hearing and Appeals (DHA) Case # DRL-09-0110, DRL Case #'s 05 HAD 015 & 05 HAD 017. Motion carried. Abstained: Okie Allen

(Okie Allen recused himself from discussion and left the room for voting and deliberation of the matter concerning Karen R. Fennema, Respondent, DHA Case # DRL-09-0110, DRL Case #'s 05 HAD 015 & 05 HAD 017.)

**DELIBERATION REGARDING ISSUANCE OF ADMINISTRATIVE WARNING(S) OR
ANY RECEIVED AFTER THE MAILING OF THE AGENDA**

11 HAD 001 (A.H.)

MOTION: Laura Feldhake moved, seconded by Steven Klapperich, to issue an administrative warning in the matter of case number 11 HAD 001 against A.H. Motion carried unanimously.

11 HAD 001 (M.L.)

MOTION: Laura Feldhake moved, seconded by Steven Klapperich, to issue an administrative warning in the matter of case number 11 HAD 001 against M.L. Motion carried unanimously.

DIVISION OF ENFORCEMENT

Case Status Report

The Board was provided with a report detailing the status of its pending enforcement cases.

Case Closings

09 HAD 008

MOTION: Alma Peters moved, seconded by Samuel Gubbels, to close case number 09 HAD 008 for insufficient evidence. Motion carried unanimously.

10 HAD 003

MOTION: Okie Allen moved, seconded by Alma Peters, to close case number 10 HAD 003 for no violation. Motion carried unanimously.

GRANTING OF LICENSES

MOTION: Peter Zellmer moved, seconded by Okie Allen, to ratify the examination scores of July 11, 2011. Motion carried unanimously.

OTHER BOARD BUSINESS

Alma Peters noted that this may be her last meeting with the Board and took the opportunity to express her appreciation of the Board's membership.

ADJOURNMENT

MOTION: Okie Allen moved, seconded by Samuel Gubbels, to adjourn the meeting. Motion carried unanimously.

Meeting adjourned at 4:22 p.m.